



May 23, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Ex Parte Comments, Dockets 94-102

Dear Ms. Dortch,

According to much of the industry press, the Commission may be considering the Wireless E-911 Phase II accuracy issue at their meeting on Thursday, May 31, 2007. Though the position of the National Association of State 9-1-1 Administrators ("NASNA") was well documented during the NRIC VII 1A report, there is an issue that NASNA is uniquely positioned to bring to the Commission's attention.

The issue involves the potential budgetary impact to states that have wireless carrier cost recovery. The original order from the Commission encouraged states to provide carrier cost recovery. Many states, using similar model legislation, defined their allowable cost recovery as those cost necessary to meet "FCC Docket 94-102 Phase I and Phase II". Through the last several years, we have been able to develop accurate budgets based on the costs of the currently available location technologies to meet Phase II.

If the Commission adopts Phase II accuracy testing requirements that currently available location technologies cannot meet (such as a requirement for PSAP level testing), states with carrier cost recovery will be responsible for the cost of new technologies that have not yet been developed to meet those requirements. Obviously, since we have no way to project the cost of such new technologies, we cannot plan or budget for these costs. State E-911 programs need to understand and assess the fiscal impact of any new location technologies before the decision is made to implement them. The fiscal impacts may range from minor adjustments to the budget to major additions that far exceed the capability of current funding methodologies.

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It is important to remember that the current accuracy requirement (distance measurement) was based on the promise of the location technology BEFORE it was actually developed as a solution. To hold a new technology solution to this same requirement would be highly inappropriate. We must instead determine the optimal accuracy to save lives and focus our efforts to achieving that goal.

The carriers deployed the technologies they were asked to deploy and many states provided cost recovery to those carriers as the Commission originally asked them to do. To adopt an accuracy testing process that cannot be achieved at this time not only puts the carrier in a compliance limbo, but also puts many states in a budgetary limbo until someone can figure out how to achieve the requirement. Instead, NASNA would recommend the Commission accept Phase II as it is, test it to the NRIC VII 1A report recommendation and create a new phase (call it Phase III) that identifies the public safety need for accuracy and develops a plan to achieve that goal.

Thank you for your time and consideration. Please feel free to contact me if you would like to discuss this further or you have any questions about our position.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steve Marzolf', written over a horizontal line.

Steve Marzolf

President

National Association of State 9-1-1 Administrators

(804) 371-0015

cc: Ms. Dana Shaffer
Mr. Jeffrey Scott Cohen
Ms. Jeannie A. Benfaida